

THIS IS THE LAW

WHAT TO DO IN CASE OF AN AUTO ACCIDENT

In our society, the use and misuse of the automobile account for the greatest number of actions in both criminal and civil courts.

Although the automobile has been the predominant form of personal transportation for the better part of a century, and despite the frequency of automobile accidents, many motorists still do not understand the responsibilities they incur, or the rights which they may seek to protect when they are involved in a motor vehicle accident.

The purpose of this pamphlet is to provide reminders regarding the responsibility each of us has in the event of injury or other personal hardship resulting from a motor vehicle crash, and to enable all motorists to carry out their legal responsibilities and protect their legal rights.

Inexperienced drivers can benefit greatly from the information contained in this pamphlet, and if you are a young driver or have young drivers in your household it might be helpful to be sure that one of these pamphlets is kept in the vehicle for easy reference.

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NORTH CAROLINA
BAR ASSOCIATION
SEEKING LIBERTY & JUSTICE

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This pamphlet was prepared as a public service by the Communications Committee and is not intended to be a comprehensive statement of the law. North Carolina laws change frequently and could affect the information in this pamphlet. If you have specific questions with regard to any matters contained in this pamphlet, you are encouraged to consult an attorney. If you need an attorney, please contact the North Carolina Lawyer Referral Service, a nonprofit public service project of the North Carolina Bar Association, via phone (1.800.662.7660) or online (www.ncfindalawyer.org).

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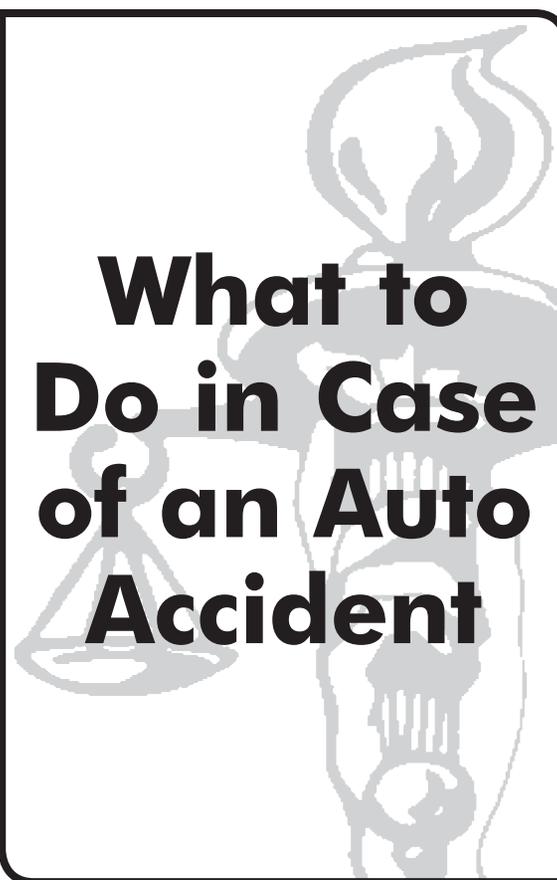
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EQUIP YOUR CAR

Your car/vehicle should contain:

- Current signed vehicle registration
- Current insurance information (including insurance carrier name & policy number)
- Notepad
- Disposable camera

STEPS TO TAKE FOLLOWING AN AUTO ACCIDENT

Stop • North Carolina law requires that drivers of vehicles involved in an accident resulting in personal injury, death or property damage to immediately stop their vehicles at the scene of the accident or collision, avoid obstructing traffic more than is necessary, and to immediately return to or remain at the scene of the accident until a law enforcement officer completes investigation or authorizes them to leave. You may leave temporarily to get medical help or call an officer, but you must return if you can as soon as possible. Warning devices should be used to let approaching motorists know an accident has occurred.

Assist the injured • If someone is seriously injured, immediately call for medical assistance. Make the injured person comfortable but do not move the person unless you know what you are doing. You may, however, render reasonable assistance. Unless the person giving assistance is guilty of wanton conduct or intentional wrongdoing, that person cannot be held liable for damages resulting from the effort to provide assistance.

Call an officer • North Carolina law requires that drivers of vehicles involved in accidents resulting in personal injury, death or property damages, shall immediately, by the quickest means of communication, give notice to the local police department or, if outside city limits, to the nearest office of the North Carolina Highway Patrol, sheriff's department or rural police.

An accident which does not involve personal injury, death or property damage is not required to be reported to the police or Highway Patrol unless an unattended vehicle is damaged. If the other party is at fault, it may still be advisable to have a police report to create an unbiased record of who is liable for the accident.

Witnesses • Obtain the names, phone numbers and addresses of any and all witnesses who might have some information about any of the circumstances of the accident. Attempt to obtain from these witnesses statements as to what happened.

Statements about the accident • North Carolina law requires that you give your name, address, operator's license number and the registration number of

the vehicle you are driving to the person struck or the driver or occupants of the other vehicle. Any statement you make, written or oral, about the accident may be used against you. **YOU ARE NOT REQUIRED TO ADMIT FAULT/LIABILITY. CONSULT AN ATTORNEY** if you have any question about whether or not you should make a statement about an accident.

Assist the officer • Unless injured, remain at the scene until the officer arrives and gives you permission to leave. Cooperate with the officer by providing the basic facts. Remember, no one can force you to give an opinion as to the cause of the accident at the scene, at police headquarters or elsewhere. You have the right to consult a lawyer before making any statement.

Exchange of information • Obtain the other driver's name, phone number, address, driver's license number and the registration number on the vehicle. It is suggested you request to see the other driver's license. North Carolina requires both of you to give this information to each other. It is advisable, but not required, that all parties to an accident exchange information identifying their insurance company and policy number.

In the event your accident involves a parked car or unattended property and you cannot identify the owner, you should contact the nearest police agency, leaving your name, address and vehicle registration number and also leave this information conspicuously attached to the damaged property. In any event, police authorities must be informed within 48 hours of all accidents with parked or unattended vehicles. If the damaged property is a guardrail, utility pole, or other fixed object, then contact the nearest police agency or make a written report to the N.C. Department of Transportation by certified mail, return receipt requested, within five days of the collision.

Take notes • Fill out an accident information form and diagram, if possible. Make your own written notes on all significant circumstances concerning the accident. Show position of cars after the accident. Step off exact distances of skid marks and other important distances. Be certain that you can, at a later date, point out on the road where the vehicles collided and where they came to a stop. If you or someone else has a camera at the scene, take pictures to preserve skid marks, position of cars, and other physical evidence that will disappear after the accident.

Arrests • An arrest at the scene does not necessarily indicate liability. An arrest or conviction in connection with an automobile accident ordinarily cannot be used

against you later in a suit for damages. However, if a person pleads responsible or guilty or "pays off" the citation, the plea or pay off can be used against that person in a suit for damages as some evidence of negligence.

When to leave the scene • Unless your injuries compel you to do otherwise, do not leave the scene of the accident until you have, as outlined previously, assisted the injured, protected the scene, called and assisted an officer, identified the other driver, obtained the names, addresses and statements of all witnesses, made notes, and filled out the accident information form.

See a doctor • Remember that serious and costly injuries may not always be obvious or result in immediate pain or bloodshed. Inform your insurance company of any injury/medical condition and of your medical bills.

Notify insurance company • Make a complete report to your automobile liability insurance company immediately, or, if you desire, have your lawyer make the report for you.

Pay nothing • Make no immediate payment of any kind to the other party and do not promise to make a payment. Any such payment would be at your own risk. The other driver cannot force you to make any payment without legal proceedings or hold your car without legal action.

Comply with financial responsibility law • Every owner of a motor vehicle required to be registered and licensed in this state either must have obtained liability insurance or have posted an equivalent bond or certificate of self insurance with the state. Failure to comply with the financial responsibility law will result in revocation of your operator's license and vehicle registration. Discuss with your insurance agent whether you are adequately insured. The statutory minimum limits required are often inadequate to cover injuries and vehicular damage. Discuss higher limits with your agent, including uninsured motorist (UM), underinsured motorist (UIM), medpay, and property damage coverage limits. Don't wait until an accident to review your insurance coverage limits.

Consult a lawyer • If you have any question about the participants' rights, responsibilities, insurance coverage, liability or court proceedings following an accident, you should consult a lawyer.